

Notice of Allowability**Application No.**

09/027,654

Examiner

Gailene R. Gabel

Applicant(s)

HORTON, JEFFREY KENNETH

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview Summary on 8/17/04.
2. ☒ The allowed claim(s) is/are 1, 2, 4-13, 16-18, and 21; now renumbered as claims 1-16, respectively.
3. ☒ The drawings filed on 23 February 1998 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8/17/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Gabel
8/17/04

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Sharp on 8/17/04.

2. The application has been amended as follows:

In page 10, after line 25, the following has been inserted:

--Brief Description of the Drawings:

FIG 1. Representative standard curve for the concerted one-pot extraction and immunoassay method for the estimation of adenosine 3'5' cyclic monophosphate from cultured Chinese Hamster Ovary cells. Assay curves were prepared on Viewplates (Packard) as described in the methods section.

FIG 2. Representative standard curve for the concerted one-pot extraction and immunoassay method for the estimation of adenosine 3'5' cyclic monophosphate from cultured Chinese Hamster Ovary cells. Assay curves were prepared on Cytostar-T described in the methods section.

FIG 3. Forskolin-stimulated cAMP generation from cultured Chinese Hamster Ovary Cells as determined by the one-pot extraction SPA radioimmunoassay method.

FIG 4. "Total" cellular CAMP measurement from cultured Chinese hamster ovary cells.

FIG 5. Inhibition of binding in the IL-6 ELISA with lysis reagent.

FIG 6. Restoration of binding in the IL-6 ELISA with sequestrant.

FIG 7. Intracellular measurement of IL-6 from IL-1P stimulated ECV304 cells.

FIG 8. Interleukin-6 measurement from ECV304 cells.

FIG 9. Standard curves for the IP: radioreceptor assay.

FIG 10. Intracellular PGEZ measurement from 3T3 cells.--

In claim 1, step iv), line 3 after "wherein the improvement lies in", --adding-- has been inserted. Further after "the sequestrant", "preventing the cell lysis reagent from adversely affecting a binding reaction between the analyte and its specific binding partner" has been deleted, and --in the amount of 0.5–10% by weight based on the weight of the reaction mixture.-- has been inserted therefor.

In claim 13, line 2, "the total (" has been deleted. Further after "intracellular plus extracellular", ")" has been deleted.

Claim 14 has been cancelled.

Claim 20 has been cancelled.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gailene R. Gabel whose telephone number is (571) 272-0820. The examiner can normally be reached on Monday, Tuesday, and Thursday, 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gailene R. Gabel
Patent Examiner
Art Unit 1641
August 17, 2004 *gb*

Christopher L. Chin
CHRISTOPHER L. CHIN
PRIMARY EXAMINER
GROUP 1800/641
8/18/04